

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT COURT  
CRIMINAL COURT DIVISION

State of Minnesota,  
Plaintiff,

vs.

Montia Marie Parker,  
Defendant.

**SENTENCING MEMORANDUM**

File No. 27-CR-13-15997

This matter came before Judge William H. Koch on October 11, 2013 for sentencing. Plaintiff ("the State") was represented by Assistant Hennepin County Attorneys Joshua Larson and Terese Galatowitsch. Defendant ("Ms. Parker") appeared and was represented by Leon Trawick, Esq.

Based upon the presentation at the hearing, as well as all the files, records and proceedings herein; the Court finds the following:

1. Ms. Parker was charged with Solicitation of a Minor to Participate in Prostitution (Count 1), Sex Trafficking of a Minor (Count 2), and Promotion of Prostitution of a Minor (Count 3). These charges arose from her encouraging, supporting, and promoting prostitution from February 15 through March 9, 2013, involving one of her high school cheerleading teammates. The victim was then 16 years old, and was further vulnerable due to a cognitive disability.

2. All three offenses were offenses in the first degree, and each would result in a Guideline sentence of 90 months in prison. The three cases merge for sentencing purposes, with a resulting presumptive 90-month prison sentence.

3. The State had offered to allow Ms. Parker to plead guilty to one charge in exchange for a 45-60 month prison sentence. Ms. Parker rejected that offer and, instead, entered a straight-plea to the Court on all three counts. The purpose of the straight plea was, not surprisingly, a hope by Ms. Parker that the Court may be inclined to grant a downward dispositional departure (from prison to probation) and/or a downward durational departure (below the State's offer of 45-60 months).

4. Through her plea, she pled guilty to more counts than the State would have required. Through her plea, she saved the victim from having to testify, saved the State the cost and potential uncertainty of a trial, and demonstrated her mature acceptance of responsibility. During her plea – and her letter to the Court – she demonstrated remorse for her actions. She



knows what she did was wrong. She knows what she did was criminal. She hopes to make amends through future good deeds.

5. The Court had the benefit of a Pre-Plea Investigation report; submissions from the Defense (including letters from Ms. Parker and others who know her, and various commendations related to her school work, and related materials); a victim impact statement and letter from the victim's family; and the court file.

6. We operate in a sentencing guideline system that looks to the offender as well as the offense. One of the guiding principles in our sentencing scheme is that "sanctions used in sentencing...should be the least restrictive necessary to achieve the purposes of the sentence." The Guidelines provide specific examples of reasons why a court may properly downward depart.

7. Ms. Parker was largely a successful student. By all information before the Court, she did well academically. She was an honor student, and had taken several college-level courses in her senior year. She was also a captain on the Hopkins High School cheerleading squad. She volunteered and held several jobs at different times. That is all to be commended; she should be proud of those accomplishments.

8. Unfortunately, that does not tell the whole story of her high school career. Tragically – for many – her high school years ended in criminal activity. She was the leader of an attempted high school prostitution ring. Ms. Parker solicited and promoted prostitution by a younger classmate and teammate. She engaged in the sex trafficking of a vulnerable 16-year old girl; someone who looked up to Ms. Parker and her other teammates as friends and people she could trust. And Ms. Parker ostensibly did this for a pair of sneakers. It is, in many ways, inexplicable. Yet it is, tragically, all too common.

9. Too many young people – girls and boys – seek refuge or material comfort by selling their bodies. Some do it in a more outwardly "willing" manner. Others are kidnapped, raped, beaten, or otherwise forced into the sex trade. Most do it as a means to simply survive – trading sex for a warm bed, or for food. And many are moved between many people, plied with alcohol or drugs, and kept from knowing a truly loving and supportive environment.

10. In this case, there was no kidnapping, there was no alcohol, there were no drugs, there were no physical threats or beatings, and there was no withholding of housing or food. But there was the abuse of a position of friendship. There was psychological pressure brought upon a vulnerable girl. Peer pressure of the worst kind.

11. Ms. Parker engaged in the following acts with the victim:

- a. directed the victim to take photos of herself for Backpage.com;
- b. placed the ad in Backpage.com and paid for the ad, listing herself as the contact person;



- c. took the calls from prospective “johns;”
- d. drove the victim to the appointments from school (having the girl get an unexcused absence, which later alerted the girl’s mother), including calling the school posing as the girl’s mother to get her excused on another date;
- e. drove three different other juveniles with her when she took our victim to her appointments;<sup>1</sup>
- f. told the victim she would “eventually” have to have vaginal sex (rather than oral sex) and that she would be “fine;”
- g. took all the money made (only \$120 from two appointments before this became known) and deposited it into her own bank account (for a future shopping spree, in which she and at least one other juvenile were going to let the victim buy them all Jordan Air sneakers);
- h. spoke of people offering \$250 for vaginal sex with the victim; and
- i. took “hundreds” of calls from men expressing interest in paying for sex with the victim.

12. The State argues Ms. Parker has not truly accepted responsibility due to the letter she wrote the Court, which the State believes she attempted to deflect responsibility for initiating the discussions regarding the victim becoming a victim of prostitution. The Court does not read Ms. Parker’s letter the same as the State. The Court is comfortable Ms. Parker accepts her responsibility in this matter. Her letter – stated in the words of an 18-year old – does not take away from that acceptance.<sup>2</sup>

13. While the Court’s sentence must take into account the seriousness of the offense, it must be tailored to Ms. Parker. Prison is warranted. The victim in this case was vulnerable given her age and cognitive development. This vulnerability was known to – and exploited by – Ms. Parker. This was not a short-term, spur-of-the-moment situation – this was a well-planned effort, with multiple opportunities to step back and stop. Each of the hundreds of calls should

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<sup>1</sup> The Court does not know why this was done. This may have been to groom these other juveniles for similar acts or to be a source of intimidation or encouragement toward the victim.

<sup>2</sup> In a similar vein, the Defense takes issue with the State referencing Ms. Parker’s former boyfriend and an alleged connection with prostitution. The Court disagrees with the Defense that the State was arguing there was a conspiracy between Ms. Parker and this former boyfriend or his family. There was no such claim by the State. And the Court is not aware of any evidence or suggestion to support such an argument. Instead, the State was simply responding to a disclosure made during her Pre-Plea Investigation when she spoke of being aware of prostitution on Backpage.com because of involvement with her former boyfriend – and her reluctance to prostitute herself during their relationship. Instead of using that experience to keep others from engaging in prostitution, Ms. Parker preyed upon someone less powerful than she. And she put the victim to work for Ms. Parker and her friends.



have led to Ms. Parker to realize this was wrong, and to stop. She did not stop, until her actions became known by the victim's mother and law enforcement was contacted.

14. While a prison term is appropriate, a 90-month sentence is not. As stated above, Ms. Parker has accepted responsibility and expressed remorse. Ms. Parker's guilty plea saved the victim from having to testify, and saved the State the possibility of an acquittal or hung jury. The cost and delay of a trial was also avoided by the plea. Additionally, to the extent any sex trafficking can be said to be less severe than the "typical" case, there was no physical violence, threatened violence, or alcohol or drug use involved in this case.

15. As announced in open court, the Court's sentence is:

- a. Ms. Parker is committed to the custody of the Commissioner of Corrections for a period of 36 months, with credit for three days already served. A minimum of two-thirds of that time (or 24 months) will be spent in custody. A maximum of one-third of that time (or 12 months) will be spent on supervised release. If Ms. Parker follows the rules of the prison – which the Court fully expects – she will be released in two years. If, however, she has infractions in prison, she could be kept in custody for the full three years.
- b. Ms. Parker must register as a predatory offender pursuant to Minnesota Statute § 243.166.
- c. Ms. Parker cannot use, possess, or transport any firearm or ammunition.
- d. Ms. Parker must provide a DNA sample.
- e. Ms. Parker must pay a fine of \$50, and a surcharge of \$78.<sup>3</sup> She has one year to make these payments.
- f. Restitution is reserved for a period of 120 days. If the State seeks restitution, it shall notify Ms. Parker and her attorney of the reason for the requested restitution and the amount. If Ms. Parker disputes that request, she is entitled to a hearing before the Court. She is also entitled to be represented by counsel. If she cannot afford an attorney, she can apply for the Hennepin County Public Defender to represent her in that hearing.
- g. Ms. Parker has the right to appeal any verdict, as well as this sentence. If she does not have funds to hire a lawyer, she may contact the State Public Defender's Office at 540 Fairview Avenue North, Suite 300, St. Paul, MN 55104 (651-201-6700).

<sup>3</sup> While there is a mandatory minimum fine of \$15,000; the Court finds Ms. Parker's financial situation is insufficient to pay any significant fine. Instead, based upon her financial situation, the Court finds she should be treated the same as our public-defender-eligible defendants.



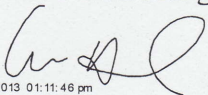
16. As discussed in open court, in the last 14 months, Hennepin County judges had the unfortunate opportunity to sentence six other defendants to similar prostitution-related charges.

- a. The average age of the victims was 16: there were three 15-year olds, three 17-year olds, and one 19-year old. The age of the victim in this case is, tragically, consistent with that experience.
- b. The average age of the defendants was 29. They ranged in age from almost 20 to 38. They now range in age from 18 to 38.
- c. All but one of the defendants were men. There are now two women convicted in Hennepin County on these charges in roughly the last year.
- d. Like this case, all but one of these cases involved ads being placed on Backpage.com.
- e. Like this case, all but one of these cases was resolved through a plea agreement. One case went to trial, and the defendant was convicted of all counts.
- f. While each of these cases contained unique facts and defendants with their own criminal history scores, the sentences ranged from 36 months in prison to 240 months in prison. Half of the cases involved downward durational departures from the presumptive Guideline sentence. The other half did not depart. Only one of the cases involved a straight plea, like we have here – and that defendant received a Guideline sentence of 36 months in prison.
- g. None of the other defendants received probationary terms.

17. To borrow a phrase made popular by a campaign by the Women's Foundation of Minnesota, "Minnesota girls are not for sale." Even by other Minnesota girls.

October 11, 2013

Date

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William H. Koch  
Judge of District Court